

(without giving effect to conflicts of law principles thereof). All actions or proceedings arising directly or indirectly from or in connection with these Rates and Terms shall be litigated only in the United States District Court for the District of Columbia located in Washington, D.C. SoundExchange and Commercial Webcasters consent to the jurisdiction and venue of the foregoing court and consent that any process or notice of motion or other application to said court or a judge thereof may be served inside or outside the District of Columbia by registered mail, return receipt requested, directed to the person for which it is intended at its last known address (and service so made shall be deemed complete five (5) days after the same has been posted as aforesaid) or by personal service or in such other manner as may be permissible under the rules of that court.

**7.2 Rights Cumulative.** The remedies provided in these Rates and Terms and available under applicable law shall be cumulative and shall not preclude assertion by any party of any other rights or the seeking of any other remedies against another party hereto. These Rates and Terms shall not constitute a waiver of any violation of Section 112 or 114 or their implementing regulations (except to the extent such implementing regulations are inconsistent with these Rates and Terms). No failure to exercise and no delay in exercising any right, power or privilege shall operate as a waiver of such right, power or privilege. No single or partial exercise of any right, power or privilege granted under these Rates and Terms or available under applicable law shall preclude any other or further exercise thereof or the exercise of any other right, power or privilege. No waiver by any party of full performance by another party in any one or more instances shall be a waiver of the right to require full and complete performance of these Rates and Terms and of obligations under applicable law thereafter.

**7.3 Entire Agreement.** These Rates and Terms represent the entire and complete agreement between SoundExchange and a Commercial Webcaster with respect to the subject matter hereof and supersede all prior and contemporaneous agreements and undertakings of SoundExchange and a Commercial Webcaster with respect to the subject matter hereof.

[FR Doc. E9-17092 Filed 7-16-09; 8:45 am]

**BILLING CODE 1410-30-S**

## MISSISSIPPI RIVER COMMISSION

### Sunshine Act Meetings

#### AGENCY HOLDING THE MEETINGS:

Mississippi River Commission

**TIME AND DATE:** 9 a.m., August 14, 2009.

**PLACE:** On board MISSISSIPPI V at City Front, St. Louis, MO.

**STATUS:** Open to the public.

#### MATTERS TO BE CONSIDERED: (1)

Summary report by President of the Commission on national and regional issues affecting the U.S. Army Corps of Engineers and Commission programs and projects on the Mississippi River and its tributaries; (2) District Commander's overview of current project issues within the St. Louis District; and (3) Presentations by local organizations and members of the public giving views or comments on any issue affecting the programs or projects of the Commission and the Corps of Engineers.

**TIME AND DATE:** 9 a.m., August 17, 2009.

**PLACE:** On board MISSISSIPPI V at River Park, Tiptonville, TN.

**STATUS:** Open to the public.

#### MATTERS TO BE CONSIDERED: (1)

Summary report by President of the Commission on national and regional issues affecting the U.S. Army Corps of Engineers and Commission programs and projects on the Mississippi River and its tributaries; (2) District Commander's overview of current project issues within the Memphis District; and (3) Presentations by local organizations and members of the public giving views or comments on any issue affecting the programs or projects of the Commission and the Corps of Engineers.

**TIME AND DATE:** 9 a.m., August 18, 2009.

**PLACE:** On board MISSISSIPPI V at Mud Island, Memphis, TN.

**STATUS:** Open to the public.

#### MATTERS TO BE CONSIDERED: (1)

Summary report by President of the Commission on national and regional issues affecting the U.S. Army Corps of Engineers and Commission programs and projects on the Mississippi River and its tributaries; (2) District Commander's overview of current project issues within the Memphis District; and (3) Presentations by local organizations and members of the public giving views or comments on any issue affecting the programs or projects of the Commission and the Corps of Engineers.

**TIME AND DATE:** 9 a.m., August 19, 2009.

**PLACE:** On board MISSISSIPPI V at City Front, Greenville, MS.

**STATUS:** Open to the public.

#### MATTERS TO BE CONSIDERED: (1)

Summary report by President of the Commission on national and regional issues affecting the U.S. Army Corps of Engineers and Commission programs and projects on the Mississippi River and its tributaries; (2) District Commander's overview of current project issues within the Vicksburg District; and (3) Presentations by local organizations and members of the public giving views or comments on any issue affecting the programs or projects of the Commission and the Corps of Engineers.

**TIME AND DATE:** 9 a.m., August 21, 2009.

**PLACE:** On board MISSISSIPPI V at Port Commission Dock, Morgan City, LA.

**STATUS:** Open to the public.

#### MATTERS TO BE CONSIDERED: (1)

Summary report by President of the Commission on national and regional issues affecting the U.S. Army Corps of Engineers and Commission programs and projects on the Mississippi River and its tributaries; (2) District Commander's overview of current project issues within the New Orleans District; and (3) Presentations by local organizations and members of the public giving views or comments on any issue affecting the programs or projects of the Commission and the Corps of Engineers.

#### CONTACT PERSON FOR MORE INFORMATION:

Mr. Stephen Gambrell, telephone 601-634-5766.

**George T. Shepard,**

*Colonel, EN, Secretary, Mississippi River Commission.*

[FR Doc. E9-17157 Filed 7-15-09; 11:15 am]

**BILLING CODE 3720-58-P**

## NATIONAL SCIENCE FOUNDATION

### Proposal Review Panel for Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463 as amended), the National Science Foundation announces the following meeting:

**Name:** Site visit review of the Materials Research Science and Engineering Center (MRSEC) at Cornell University by NSF Division of Materials Research (DMR) #1203.

**Dates and Times:** Sunday, August 23, 2009; 6 p.m.-9 p.m., Monday, August 24, 2009; 7:45 a.m.-9 p.m., Tuesday, Aug 25, 2009; 8 a.m.-4:30 p.m.

**Place:** Ithaca, NY.

**Type of Meeting:** Part-Open.

**Contact Person:** Dr. Thomas Rieker, Program Director, Materials Research Science and Engineering Centers Program, Division of

Materials Research, Room 1065, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone (703) 292-4914.

*Purpose of Meeting:* To provide advice and recommendations concerning further support of the MRSEC at Cornell University.

#### Agenda

*Sunday, Aug 23, 2009*

6 p.m.–7 p.m. Closed—Executive Session.  
7 p.m.–9 p.m. Open—Poster Session.

*Monday, Aug 24, 2009*

7:45 a.m.–4:45 p.m. Open—Review of the Cornell MRSEC.

4:45 p.m.–6:30 p.m. Closed—Executive Session.

6:30 p.m.–9 p.m. Open—Dinner.

*Tuesday, Aug 25, 2009*

8 a.m.–9 a.m. Closed—Executive session.

9 a.m.–10:45 a.m. Open—Review of the Cornell MRSEC.

10:45 a.m.–4:30 p.m. Closed—Executive Session, Draft and Review Report.

*Reason for Closing:* The work being reviewed may include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552 b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: July 14, 2009.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. E9-17028 Filed 7-16-09; 8:45 am]

BILLING CODE 7555-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50-528, STN 50-529, and STN 50-530; NRC-2009-0316]

### Arizona Public Service Company, et al.; Palo Verde Nuclear Generating Station, Units 1, 2, and 3; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from Title 10 of the *Code of Federal Regulations* (10 CFR) Part 55, Section 55.47, for Facility Operating License Nos. NPF-41, NPF-51, and NPF-74, issued to the Arizona Public Service Company (APS, or the licensee), for operation of the Palo Verde Nuclear Generating Station (PVNGS, the facility) Units 1, 2, and 3, respectively, located in Maricopa County, Arizona. Therefore, as required by 10 CFR 51.21, the NRC is issuing this environmental assessment and finding of no significant impact.

## Environmental Assessment

### Identification of the Proposed Action

The proposed action would allow Mr. Mark A. Sharp, who was licensed as a senior reactor operator (SRO) at the PVNGS from December 1996 to December 2006, to be re-licensed as an SRO at the PVNGS without having to take and pass the NRC-required written examination or operating test specified in 10 CFR 55.43 or 10 CFR 55.45, respectively. The proposed action would exempt the SRO license candidate from meeting one specific criterion of 10 CFR 55.47, which allows NRC to grant waivers of the testing requirements.

The proposed action is in accordance with the licensee's application for exemption dated February 6, 2009 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML091550607).

### The Need for the Proposed Action

The proposed exemption would allow Mr. Mark A. Sharp to re-obtain an SRO license at PVNGS without the need to take the NRC-administered written examination and operating tests required by 10 CFR 55.43 and 10 CFR 55.45, respectively. The NRC is authorized to grant a waiver from these requirements by 10 CFR 55.47; however, the operator license candidate in this case did not meet one specific waiver criterion, 10 CFR 55.47(a)(1), which requires that the candidate have extensive actual operating experience at PVNGS (or a comparable facility) within 2 years before the date of application. Therefore, an exemption to this waiver criterion was requested by APS to allow Mr. Sharp to receive his SRO license and resume licensed operator duties at PVNGS more quickly than he could if he had to take and pass the NRC-administered examinations, which are currently scheduled for November 2009. APS has initiated an effort to increase the number of licensed operators at PVNGS, in response to an NRC violation involving the excessive use of operator overtime, and the granting of this exemption would further that effort.

### Environmental Impacts of the Proposed Action

The NRC has completed its environmental evaluation of the proposed action and concludes that re-licensing Mr. Sharp as a senior reactor operator at PVNGS without his taking and passing an NRC licensing examination will not result in an adverse impact on the environment. The details of the staff's safety evaluation will be provided in the exemption that

will be issued as part of the letter to the licensee approving the exemption to the regulation.

The proposed action will not significantly increase the probability or consequences of accidents. No changes are being made in the types of effluents that may be released offsite. There is no significant increase in the amount of any effluent released offsite. There is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not have a potential to affect any historic sites. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

### Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed exemption (*i.e.*, the "no-action" alternative). Denial of the application for exemption would result in no change in current environmental impacts. Thus the environmental impacts of the proposed action and the alternative action are similar.

### Alternative Use of Resources

The action does not involve the use of any different resources than those previously considered in the Final Environmental Statement for the Palo Verde Nuclear Generating Station, Units 1, 2, and 3, NUREG-0841, dated February 1982.

### Agencies and Persons Consulted

In accordance with its stated policy, on June 3, 2009, the staff consulted with the Arizona State official, Mr. Aubrey Godwin of the Arizona Radiation Regulatory Agency, regarding the environmental impact of the proposed action. The State official had no comments.

### Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.